

Amy P. Lally (SBN 198555)  
alally@sidley.com  
Ellyce R. Cooper (SBN 204453)  
ecooper@sidley.com  
SIDLEY AUSTIN LLP  
1999 Avenue of the Stars, 17th Floor  
Los Angeles, CA 90067  
Telephone: +1 310 595 9500  
Facsimile: +1 310 595 9501

Mark Rosenbaum (SBN 59940)  
mrosenbaum@publiccounsel.org  
Amanda Savage (SBN 325996)  
asavage@publiccounsel.org  
PUBLIC COUNSEL  
610 S. Ardmore Avenue  
Los Angeles, CA 90005  
Telephone: +1 213 385-2977  
Facsimile: +1 213 385-9089

## Attorneys for Plaintiffs

*Additional Counsel on next page*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Ms. J.P., et al.,

## Plaintiffs,

V.

Merrick B. Garland.

U.S. Attorney General, et al.,

## Defendants

| Case No. 2:18-cv-6081-JAK-SK

**DECLARATION OF ANNE LAI IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR ATTORNEYS' FEES  
AND COSTS**

Date: March 25, 2024  
Time: 8:30 a.m.  
Ctrm: 10B  
Location: First Street Courthouse  
350 W. First Street  
Los Angeles, CA 90012  
Judge: Hon. John A. Kronstadt

1 Carter G. Phillips\*  
2 cphillips@sidley.com  
3 Jennifer J. Clark\*  
4 jennifer.clark@sidley.com  
5 SIDLEY AUSTIN LLP  
6 1501 K Street, N.W.  
7 Washington, D.C. 20005  
8 Telephone: +1 202 736 8000  
9 Facsimile: +1 202 736 8711

Mark E. Haddad (SBN 205945)  
markhadd@usc.edu Part-time Lecturer in  
Law  
USC Gould School of Law\*\*  
University of Southern California  
699 Exposition Boulevard  
Los Angeles, CA 90089  
Telephone: +1 213 675-5957

6 Timothy G. Payne\*  
7 tpayne@sidley.com  
8 SIDLEY AUSTIN LLP  
9 Daniel C. Craig \*  
daniel.craig@sidley.com  
10 SIDLEY AUSTIN LLP  
One South Dearborn Street  
11 Chicago, IL 60603  
Telephone: +1 312 853 7000  
Facsimile: +1 312 853 7036

Luis Cortes Romero (SBN 310852)  
lcortes@ia-lc.com  
Alma L. David (SBN 257676)  
adavid@ia-lc.com  
Immigrant Advocacy &  
Litigation Center, PLLC  
19309 68th Avenue South, Suite R-102  
Kent, WA 98032  
Telephone: +1 253 872-4730  
Facsimile: +1 253 237-1591

12 Sean A. Commons (SBN 217603)  
13 scommons@sidley.com  
14 SIDLEY AUSTIN LLP  
555 West Fifth Street  
15 Los Angeles, CA 90013  
Telephone: +1 213 896 6000  
Facsimile: +1 213 896 6600

16 \**Admitted pro hac vice*

17 \*\**Institution listed for identification  
purposes only*

1 I, Anne Lai, declare as follows:

2 1. I execute this declaration based upon my personal knowledge. If called as  
3 a witness in this proceeding, I could and would competently testify with respect to the  
4 facts set forth herein. I execute this declaration in support of plaintiffs' motion for an  
5 award of attorney's fees under the Equal Access to Justice Act (EAJA) calculated at  
6 prevailing market rates. I believe that counsel with specialized expertise unavailable at  
7 the inflation-adjusted EAJA rate was essential to the successful litigation of plaintiffs'  
8 claims in *Ms. J.P. et al. v. Garland, et al.*

9 2. I presently serve as a clinical professor of law and Co-Director of the  
10 Immigrant Rights Clinic at the University of California, Irvine School of Law ("UCI  
11 IRC"). UCI IRC is a law school clinic based in Irvine, California that advocates on  
12 behalf of individuals and community groups. My teaching, research and legal practice  
13 focus on the intersection of immigrants' rights, civil rights, immigrant workers' rights,  
14 and criminal law and procedure.

15 3. I have substantial experience litigating complex civil and constitutional  
16 rights cases in the federal courts, and many of the cases I have litigated have involved  
17 the protection of immigrants' rights. During my time at the ACLU of Arizona, I  
18 served as a member of the monitoring team for plaintiffs in *Arnold v. Ariz. Dep't of  
19 Public Safety*, No. CV-01001463-PCT-JAT (D. Ariz. 2006) (class action alleging  
20 pattern and practice of racial profiling in traffic stops) and *Graves v. Arpaio*, No. CV-  
21 77-00479-PHX-NVW (D. Ariz. 2008) (class action relating to conditions in the  
22 Maricopa County Jails). I also represented the plaintiff or plaintiffs in *Ortega  
23 Melendres v. Arpaio*, No. CV-07-2513-PHX-GMS (D. Ariz. 2007) (class action  
24 against the Maricopa County Sheriff's Office (MCSO) alleging pattern and practice of  
25 racial discrimination and Fourth Amendment violations, including in immigration-  
26 related operations), *Lopez-Valenzuela v. Maricopa County*, No. 08-cv-660-SRB (D.  
27 Ariz. 2008) (class action challenging Arizona state constitutional amendment  
28 prohibiting release on bail of criminal defendants alleged to be undocumented

1 immigrants), *Mabrouk v. Arpaio*, No. 09-cv-01184 (D. Ariz. 2009) (1983 damages  
2 action on behalf of Muslim woman detained in Maricopa County Jail that led to  
3 change in MCSO policy on religious head coverings at intake and booking), and *Valle*  
4 *del Sol v. Whiting*, No. 10-01061 (D. Ariz. 2010) (challenge to constitutionality of  
5 Arizona's state immigration law, S.B. 1070 2010). In addition, I served as the lead  
6 attorney in *Mora v. Arpaio*, No. 09-cv-1719-DGC (D. Ariz. 2011) (damages action on  
7 behalf of U.S. citizen and lawful permanent resident detained by MCSO in connection  
8 with worksite raid), successfully obtaining a \$200,000 settlement after prevailing in  
9 part on summary judgment.

10 4. After entering law teaching, I continued to litigate complex cases in  
11 federal court. For example, I served as counsel for plaintiffs in *Chacon v. East Haven*  
12 *Police Dep't*, No. 10 CV 1692 (JBA) (D. Conn. 2010) (action against EHPD  
13 challenging a pattern and practice of discriminatory policing and excessive force) and  
14 *Brizuela v. Feliciano*, No. 12-cv-0226 (JBA) (D. Conn. 2012) (class action  
15 challenging Connecticut Department of Corrections' practice of holding individuals  
16 on immigration detainees without probable cause past their time in state criminal  
17 custody). In my personal capacity, I continued to serve as counsel to plaintiffs in  
18 *Ortega Melendres v. Arpaio*, arguing before the Ninth Circuit Court of Appeals,  
19 serving as a member of the trial team, and playing a substantial role in fashioning  
20 comprehensive relief following the District Court's issuance of its Findings of Fact  
21 and Conclusions of Law. Further, I represented several immigration clients in federal  
22 court actions, such as *Pierre v. Holder*, No. 10-2131 (2nd Cir. 2010) (petition for  
23 review involving claim of derivative citizenship based on constitutional equal  
24 protection grounds). More recently, our clinic served as lead counsel in *Puente v.*  
25 *Arpaio*, No. 2:14-cv-01356-DGC (D. Ariz. 2017) (action challenging Maricopa  
26 County law enforcement officials' practice of arresting and prosecuting immigrant  
27 workers for I-9 related conduct that followed from their undocumented status). We  
28 currently serve as lead counsel in *UCI Law School Immigrant Rights Clinic v. ICE*,

1 No. 8:20-cv-01188- DOC-KES (C. D. Cal. 2020) (Freedom of Information Act  
2 lawsuit seeking records about ICE's relationship with the private contractor Palantir  
3 Technologies, Inc.).

4 5. I am familiar with the specialized knowledge and expertise and  
5 reputations of Mark D. Rosenbaum and Talia Inlender. I am generally familiar with  
6 the *Ms. J.P. et al. v. Garland, et al.* litigation and settlement, and with other major  
7 litigation Mark D. Rosenbaum and Talia Inlender have brought on behalf of  
8 immigrants asserting civil rights violations, including as set forth below.

9 6. I am generally aware of other major litigation Mark D. Rosenbaum has  
10 successfully brought on behalf of immigrants including, *Orantes-Hernandez v. Holder*,  
11 713 F. Supp. 2d 929, 960–61 (C.D. Cal. 2010) (challenging practices and procedures  
12 employed by the Immigration and Naturalization Service to detain, process, and  
13 remove Salvadorian nationals; awarded enhanced fees for distinctive knowledge and  
14 specialized skills under the EAJA).

15 7. I am also generally aware of other major litigation Talia Inlender has  
16 brought on behalf of immigrants, including *Intl. Refugee Assistance Project v. Kelly*,  
17 No. 2:17-cv-1761-JLS-AFMx, 2017 WL 3263870, at \*1 (C.D. Cal. July 27, 2017)  
18 (challenging the detention of an Afghan family following the Trump Administration's  
19 Muslim Ban; awarded enhanced fees for distinctive knowledge and specialized skills  
20 under the EAJA).

21 8. I am further familiar with the expertise of my fellow members of the  
22 immigration bar, legal services lawyers, and the private bar from which Public  
23 Counsel recruits *pro bono* attorneys. I am generally familiar with the billing practices  
24 of immigration practitioners and general members of the private bar.

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1       9. In my opinion, qualified counsel could not be found to represent class  
2 members denied rights under the *Ms. J.P. et al. v. Garland, et al.* settlement at the  
3 inflation-adjusted rate specified in the Equal Access to Justice Act. I believe expertise  
4 in conducting complex federal litigation, as well as knowledge of the laws affecting  
5 families detained in immigration custody and the rights of class members under the  
6 settlement, were essential for plaintiffs to enjoy a fair chance of prevailing in the  
7 present litigation.

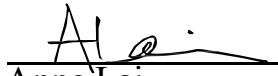
8       10. Even were other lawyers qualified to vindicate class members' rights to  
9 be found, I firmly believe none would have prosecuted an enforcement motion on  
10 behalf of the plaintiff class at the inflation-adjusted EAJA rate. In my opinion,  
11 developing expertise in the law affecting plaintiff class members would be  
12 prohibitively time-consuming, and retaining qualified counsel at the inflation-adjusted  
13 EAJA rate, all but impossible.

14       11. Further, in my experience, few legal aid lawyers or members of the  
15 immigration bar regularly undertake federal litigation, and fewer still, class actions.  
16 When private immigration practitioners do undertake litigation, they typically charge  
17 at least several times the inflation-adjusted EAJA statutory rate. These billing rates are  
18 comparable to those charged by private firms from which Public Counsel recruits *pro  
bono* counsel. Based upon this experience, I do not believe qualified counsel of Mark  
19 Rosenbaum's level of skill and expertise could have been found to prosecute  
20 plaintiffs' claims for less than \$ 1,170 per hour and qualified counsel of Talia  
21 Inlender's level of skill and expertise could not have been found to prosecute  
22 plaintiffs' claims for less than \$795 per hour. I also believe the market rates for  
23 lawyers with experience comparable to that of plaintiffs' counsel are even higher than  
24 \$1,170 and \$795 per hour respectively.

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1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

3 Executed on this 16th day of February 2024, in Los Angeles, California.

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Anne Lai

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